

Exhibit F

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION .

TESSERON, LTD.,)
)
 PLAINTIFF,) CASE NO. 1:04CV2164
 VS.) JUDGE KATHLEEN M.
) O'MALLEY
 XEROX CORPORATION,) MAGISTRATE JUDGE
) PATRICIA A. HEMANN
 DEFENDANT.)
)

- - - - -
THE DEPOSITION OF FORREST GAUTHIER
WEDNESDAY, APRIL 5, 2006
VOLUME I
- - - - -

THE VIDEOTAPE DEPOSITION OF FORREST GAUTHIER,
CALLED BY THE DEFENDANT FOR EXAMINATION PURSUANT TO
THE OHIO RULES OF CIVIL PROCEDURE, TAKEN BEFORE ME,
THE UNDERSIGNED, CHARLES A. CADY, REGISTERED MERIT
REPORTER AND NOTARY PUBLIC WITHIN AND FOR THE STATE
OF OHIO, TAKEN AT THE OFFICES OF FAY, SHARPE,
FAGAN, MINNICH & MCKEE, LLP, 1100 SUPERIOR AVENUE,
SUITE 700, CLEVELAND, OHIO, COMMENCING AT
9:07 A.M., THE DAY AND DATE ABOVE SET FORTH.

1 APPEARANCES:

2
3 ON BEHALF OF THE PLAINTIFF:

4 PETER M. POULOS, ESQ.

DAVID H. WALLACE, ESQ.

5 TAFT STETTINIUS & HOLLISTER, LLP

3500 BP TOWER

6 200 PUBLIC SQUARE

CLEVELAND, OHIO 44114-2302

7 DAVID A. MANCINO, ESQ.

8 RYAN M. BEDNARCZUK, ESQ.

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9 425 WALNUT STREET

SUITE 1800

10 CINCINNATI, OHIO 20004-2402

11
12 ON BEHALF OF XEROX CORPORATION:

13 JOSEPH P. LAVELLE, ESQ.

JENNIFER L. DZWONCZYK, ESQ.

14 HOWREY LLP

1299 PENNSYLVANIA AVENUE, NORTHWEST

15 WASHINGTON, D.C. 20004-2402

16 LOUIS S. FABER, ESQ.

XEROX CORPORATION

17 XEROX SQUARE 20A

100 CLINTON AVENUE SOUTH

18 ROCHESTER, NEW YORK 14644

1 THE VIDEOGRAPHER: WE'RE ON THE
2 RECORD AT 9:07:07.

3
4 FORREST GAUTHIER
5 OF LAWFUL AGE, CALLED BY THE PLAINTIFF FOR
6 EXAMINATION PURSUANT TO THE OHIO RULES OF CIVIL
7 PROCEDURE, HAVING BEEN FIRST DULY SWORN, AS
8 HEREINAFTER CERTIFIED, WAS EXAMINED AND TESTIFIED
9 AS FOLLOWS:

10 EXAMINATION OF FORREST GAUTHIER
11 BY MR. LAVELLE:

12 Q GOOD MORNING, MR. GAUTHIER. MY NAME IS JOE
13 LAVELLE. WE'VE MET BEFORE?

14 A UH-HUH.

15 Q I REPRESENT XEROX.

16 I'M GOING TO BE ASKING YOU QUESTIONS FOR
17 SOME TIME HERE TODAY AND TOMORROW. IF YOU
18 DON'T UNDERSTAND MY QUESTION, STOP ME AND TELL
19 ME YOU DON'T UNDERSTAND IT AND I'LL TRY AND
20 CLARIFY IT.

21 FAIR ENOUGH?

22 A OKAY.

23 Q WHO DO YOU WORK FOR TODAY, SIR?

24 A I WORK FOR TESSERON, LTD.

25 Q ALL RIGHT. WHAT'S YOUR POSITION AT TESSERON,

1 LTD.?

2 A I AM THE SOLE MEMBER.

3 Q OKAY. ARE YOU EMPLOYED BY ANY OTHER ENTITIES
4 OTHER THAN TESSERON, LTD.?

5 A NO.

6 Q OKAY. WHAT IS TESSERON, LTD.?

7 A IT'S AN LLC, AN OHIO LLC.

8 Q OKAY. AND DID YOU FORM THE LLC?

9 A YES.

10 Q WHEN DID YOU DO THAT?

11 A IN 2000.

12 Q ARE THERE ANY PARTNERS IN THE LLC OTHER THAN
13 YOU?

14 A IT'S A SINGLE-MEMBER LLC.

15 Q AND TESSERON, LTD., OWNS THE PATENTS-IN-SUIT;
16 IS THAT CORRECT?

17 A YES.

18 Q DOES TESSERON, LTD., OWN ANY OTHER ASSETS OTHER
19 THAN THE PATENTS-IN-SUIT?

20 A NO.

21 Q YOU HAVE PATENTS OTHER THAN THE ONES THAT --
22 LET ME STRIKE THAT.

23 YOU'RE IDENTIFIED AS THE INVENTOR ON
24 PATENTS OTHER THAN THE PATENTS-IN-SUIT,
25 CORRECT?

1 Q OKAY. DID YOU LEAVE BRIDGE AT SOME POINT?

2 A YES.

3 Q DO YOU RECALL APPROXIMATELY WHEN?

4 A 1990.

5 Q WHAT WAS YOUR NEXT JOB OR NEXT POSITION?

6 A I WORKED FOR A COMPANY PRINT RESEARCH
7 TECHNOLOGIES.

8 Q WHERE WERE THEY?

9 A IN SANTA ANA, CALIFORNIA.

10 Q OKAY. NOW, YOU SAID WHILE YOU WERE AT BRIDGE,
11 YOU STARTED DEVELOPING A NEW ELECTRONIC
12 PRINTING SYSTEM?

13 A YES.

14 Q WHAT ARE YOU REFERRING TO?

15 A THAT HAS ULTIMATELY BECAME THE VARIS LINE OF
16 PRINTERS.

17 Q AND WHAT WERE YOU DOING IN '88 OR '89 THAT WAS
18 RELEVANT TO WHAT BECAME THE VARIS LINE OF
19 PRINTERS?

20 A RESEARCHING OUT LANGUAGES AND METHODS.

21 Q ALL RIGHT. I PROMISE TO COME BACK TO THAT, BUT
22 LET ME FINISH UP GETTING YOUR WORK HISTORY.

23 IN 1990, ABOUT, YOU LEFT BRIDGE AND MOVED
24 BACK TO THE STATES AND SETTLED IN SANTA ANA?

25 A NO. I SETTLED IN CINCINNATI.

1 Q IN CINCINNATI. OKAY.

2 AND YOU WERE WORKING FOR PRINT RESEARCH
3 TECHNOLOGIES?

4 A THAT'S CORRECT.

5 Q WERE YOU AN EMPLOYEE OR A CONTRACTOR OR WHAT
6 WAS YOUR STATUS?

7 A A CONSULTANT.

8 Q SO YOU WERE PRIVATELY EMPLOYED IN DOING
9 CONSULTING WORK FOR PRINT RESEARCH?

10 A YES.

11 Q OKAY. WERE YOU WORKING FOR ANY OTHER CLIENTS
12 AT THIS TIME?

13 A NO.

14 Q OKAY. WHAT WERE YOU DOING FOR PRINT RESEARCH?

15 A WORKING ON THE NEW CONTROLLER AND THE NEW PRINT
16 SYSTEM.

17 Q THE ONE THAT YOU STARTED THINKING ABOUT WHILE
18 YOU WERE IN KOREA?

19 A THAT'S CORRECT.

20 Q OKAY. AND WAS PRINT RESEARCH PAYING YOU TO DO
21 THIS DEVELOPMENT WORK?

22 A YES.

23 Q HOW DID YOU GET HOOKED UP WITH PRINT RESEARCH?

24 A THEY CONTACTED ME.

25 Q OKAY. HOW DID THEY KNOW WHAT YOU WERE DOING?

1 Q WHO IS THAT?

2 A MATT BURKHART.

3 Q ARE YOU A SHAREHOLDER IN VLOGIX?

4 A YES.

5 Q DO YOU KNOW APPROXIMATELY HOW MUCH YOU OWN?

6 A YES.

7 Q HOW MUCH?

8 A 100 PERCENT.

9 Q ARE YOU CHAIRMAN OF THE BOARD?

10 A THERE ISN'T A BOARD.

11 Q THERE ISN'T A BOARD?

12 DO YOU GENERATE REVENUE FROM THE
13 MANUFACTURING, SUPPORT, AND SERVICES RENDERED
14 BY VLOGIX?

15 A YES.

16 Q IS THERE A LICENSE BETWEEN TESSERON AND VLOGIX?

17 A YES.

18 Q I'M SORRY. IS THERE A PATENT LICENSE BETWEEN
19 TESSERON AND VLOGIX?

20 A YES.

21 Q DOES THAT PATENT LICENSE HAVE A RUNNING ROYALTY
22 IN IT?

23 A THERE IS A FEE SCHEDULE, YES.

24 Q A FEE SCHEDULE. OKAY.

25 HOW DOES -- DO YOU RECALL HOW -- THE

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PLAINTIFF,)
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XEROX CORPORATION,) O'MALLEY,
) MAGISTRATE JUDGE
DEFENDANT.) PATRICIA A. HEMANN
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THE DEPOSITION OF FORREST GAUTHIER
THURSDAY, APRIL 6, 2006
VOLUME II
- - - - -

THE VIDEOTAPE DEPOSITION OF FORREST GAUTHIER,
CALLED BY THE DEFENDANT FOR EXAMINATION PURSUANT TO
THE OHIO RULES OF CIVIL PROCEDURE, TAKEN BEFORE ME,
THE UNDERSIGNED, CHARLES A. CADY, REGISTERED MERIT
REPORTER AND NOTARY PUBLIC WITHIN AND FOR THE STATE
OF OHIO, TAKEN AT THE OFFICES OF FAY, SHARPE,
FAGAN, MINNICH & MCKEE, LLP, 1100 SUPERIOR AVENUE,
SUITE 700, CLEVELAND, OHIO, COMMENCING AT
9:01 A.M., THE DAY AND DATE ABOVE SET FORTH.

1 APPEARANCES:

2
3 ON BEHALF OF THE PLAINTIFF:

4 PETER M. POULOS, ESQ.

DAVID H. WALLACE, ESQ.

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1 THE VIDEOGRAPHER: WE'RE ON THE
2 RECORD AT 9:01:04.

3 FORREST GAUTHIER
4 OF LAWFUL AGE, CALLED BY THE DEFENDANT FOR
5 EXAMINATION PURSUANT TO THE OHIO RULES OF CIVIL
6 PROCEDURE, HAVING BEEN PREVIOUSLY DULY SWORN, AS
7 HEREINAFTER CERTIFIED, WAS EXAMINED AND TESTIFIED
8 AS FOLLOWS:

9 CONTINUED EXAMINATION OF FORREST GAUTHIER
10 BY MR. LAVELLE:

11 Q GOOD MORNING, MR. GAUTHIER.

12 A GOOD MORNING.

13 Q SIR, DID YOU ASSIST IN THE PREPARATION OF
14 TESSERON'S INFRINGEMENT CONTENTIONS THAT WERE
15 PROVIDED TO US IN THE INTERROGATORY ANSWER?

16 A DO YOU HAVE A COPY OF THAT THAT I CAN LOOK AT?

17 Q YES, ABSOLUTELY.

18 MR. POULOS: THIS IS 20?

19 MS. DZWONCZYK: YES.

20 MR. LAVELLE: I'M GOING TO
21 MARK AS EXHIBIT NUMBER 20 A PLEADING ENTITLED,
22 "SUPPLEMENTAL RESPONSE TO DEFENDANT'S FIRST SET
23 OF INTERROGATORIES."

24 - - - - -
25

1 Q I THINK THE ENTITIES THAT I HAVE IN MY MIND ARE
2 CINCINNATI PRINT, VARIS, VLOGIX, TESSERON, I
3 THINK THAT'S IT.

4 A IMAGE SCIENCES.

5 Q I'M SORRY. LET ME JUST START OVER. I WANT TO
6 JUST FOCUS ON THE PATENTS-IN-SUIT AND THE
7 FAMILIES-IN-SUIT AND NOT ANYTHING YOU DID
8 EARLIER --

9 A UH-HUH.

10 Q -- WITH RESPECT TO THE PATENTS-IN-SUIT. OKAY?

11 A OKAY.

12 Q AND THOSE FAMILIES, HAS ANY ENTITY HELD TITLE
13 TO THOSE PATENTS OTHER THAN TESSERON AND VARIS
14 CORP?

15 A AGAIN, I'D HAVE TO LOOK IN THE DOCUMENTS AND
16 REFRESH MY MIND, YOU KNOW, TO THE EXACT. BUT
17 IT WOULD BE THE FAMILY OF COMPANIES: VARIS,
18 THE ASSIGNMENT TO SILICON VALLEY BANK,
19 TESSERON. THAT WOULD BE THE ESSENCE.

20 Q OKAY. MY UNDERSTANDING OF WHAT WE LOOKED AT
21 YESTERDAY IS THE TITLE TO THE PATENTS WAS
22 TRANSFERRED FROM VARIS CORP TO TESSERON IN THAT
23 BILL OF SALE WE LOOKED AT YESTERDAY?

24 A THAT'S CORRECT.

25 Q OKAY. AND THAT SILICON VALLEY BANK HAD A

1 MORTGAGE INTEREST IN SOME OF THE PATENTS,
2 CORRECT?

3 A YES.

4 Q ALL RIGHT. OTHER THAN SILICON VALLEY BANK, DID
5 ANY OTHER ENTITIES HAVE ANY MORTGAGE INTEREST
6 OR OTHER INTEREST IN THE PATENTS-IN-SUIT?

7 MR. POULOS: OBJECT.

8 A NOT --

9 MR. POULOS: OBJECTION TO
10 THE EXTENT IT YOU CALLS FOR A LEGAL CONCLUSION.
11 GO AHEAD.

12 A NOT TO MY KNOWLEDGE.

13 Q THANK YOU, SIR.

14 A I WOULD ALSO, IF POSSIBLE, LIKE TO MAKE A
15 CLARIFICATION OF A PREVIOUS QUESTION.

16 Q GO AHEAD.

17 A WHEN ASKED ABOUT DIMITRI JOVIK, I HAVE SPOKEN
18 TO DIMITRI JOVIK THAT THERE IS LITIGATION IN
19 PROCESS.

20 Q OKAY. WHEN DID YOU DO THAT?

21 A THAT WOULD HAVE BEEN OVER THE LAST SEVERAL
22 YEARS.

23 Q OKAY. WHAT DID YOU TELL HIM AND WHAT DID HE
24 TELL YOU?

25 A I HAD JUST SPOKEN TO HIM THAT WE ARE IN